REMARKS

Claims 1-15 and 20-22 are pending in the present application. The Office has objected to claims 8, 10 and 22 for alleged informalities. The Office has rejected claims 11-15 and 20-22 under 35 USC Section 101 as allegedly being directed to non-statutory subject matter. The Office has rejected claims 1-5, 8, 9, 21 and 22 under § 102 as allegedly being anticipated by "Random Numbers" by Duckworth ("Duckworth"). The Office has rejected claims 6, 7, 10-15 and 20 under § 103 as allegedly being unpatentable over Duckworth in view of "Quickly Generating Billion-Record Synthetic Databases") by Gray et al. ("Gray").

Through this response, the Applicants traverse all rejections and objections and request further examination of the application.

CLAIM OBJECTIONS

The Office objects to claim 8 as allegedly repeating a recitation. The Office is asked to note that the recitations of "*a range* of data sets" and "data sets" are not duplicates. The Applicants request reconsideration and withdrawal of the objection to claim 8.

The Office objects to claim 10 for the recitation "for use in benchmarking" as an intended use and allegedly carrying little weight. The Applicants request the Office cite the section of the MPEP relied upon. MPEP 2112.02 ("Intended use recitations…cannot be entirely disregarded"). The Applicants request further clarification or withdrawal of the objection to claim 10.

The Office objects to claim 20 for the use of the term "regenerate" and "re-generate" within the claim. The Applicants note that the term "re-generate" is actually the term "re-generate*d*". Without disclaimer or prejudice, the Applicants have amended claim 20 in the manner shown above to clarify the terminology.

The Office has objected to claim 21 for alleged antecedent basis. Without disclaimer or prejudice, the Applicants have amended claim 21 in the manner shown above. The Applicants request reconsideration and withdrawal of the objection to claim 21.

REJECTIONS UNDER SECTION 101

The Office has rejected claims 11-15 and 20-22 as allegedly being directed to non-statutory subject matter. Without disclaimer or prejudice, claims 11-15 and 20-22 have been

amended to recite that the method is a computer-implemented method, thus at least tying the method to another statutory class.

The Applicants request reconsideration and withdrawal of the rejection to claims 11-15 and 20-22 under § 101.

REJECTIONS UNDER SECTION 102

The Office has rejected claims 1-5, 8, 9, 21, and 22 as allegedly being anticipated by Duckworth.

Independent claim 1

The Office has rejected claim 1 as allegedly being anticipated by Duckworth. The Applicants respectfully traverse.

The Office is relying upon Duckworth to allegedly disclose "a seed" as recited in claim 1, yet, the Office has erred in its characterization of Duckworth in its application to claim 1. Namely, Duckworth merely discloses a seed to start a sequence at a certain point, but this fails to disclose or even suggest the recitations of claim 1, namely that the seed "*is within a range allowed by at least one parameter of the data generation module....*" Duckworth fails to disclose a range, and thus, fails to disclose the above recitation.

Further, claim 1 has been amended to include the recitation of claim 22, namely:

determining a second seed value corresponding to a second numerical position of the random sequence of values, wherein inputting the second seed value into the random data generator will output the second numerical position;

inputting the second seed value; and

*receiving a second random number associated with the first numerical positio*n.

In its rejection of claim 22, the Office avers that Duckworth discloses the recitation by the replacement of the first seed with another seed. Duckworth fails to do so. Replacement of the first seed with a second seed of Duckworth would generate the same random sequence at a different starting point. The use of the seed in Duckworth is to indicate a starting point of the sequence. Mere substitution would start the sequence at a *different point*. Further, there is not disclosure in Duckworth of how the first seed and second seed are related. As disclosed by Duckworth, there is no relation. Duckworth fails to disclose the amendments as shown above.

For at least this reason, Duckworth fails to anticipate claim 1. The Applicants request
reconsideration and withdrawal of the rejection to claim 1 under § 102.

Independent claim 21

For at least the reason discussed above with respect to claim 1, Duckworth also fails
to anticipate claim 21. The Applicants request reconsideration and withdrawal of the
rejections to claim 21 under § 102.

Dependent claims 2-5, 8, 9, and 22

For at least the reason of their dependence upon an allowable base claim, it follows
that claims 2-5, 8, 9, and 22 are also allowable. The Applicants request reconsideration and
withdrawal of the rejections to claims 2-5, 8, 9, and 22 under § 102.

REJECTIONS UNDER SECTION 103

The Office has rejected claims 6, 7, 10-15 and 20 under § 103 as allegedly being
unpatentable over Duckworth in view Gray.

Independent claim 11

The Office has erred in combining Duckworth with Gray, as Gray specifically teaches
away from the generation of repeatable synthetic data. Gray is directed to generating random
data.

In an earlier Office Action, The Office acknowledged that Gray fails to at least
disclose synthetic data that is repeatable. "…Gray does not explicitly disclose that the data
generated is identical for each time the data is generated (repeatable)…." (Office Action
dated January 11, 2008). The disclosure of Gray is not silent as to what data is purposely
generated, randomly generated. This teaches away from the claimed subject matter.

Further, the section entitled, "Generating Dense Unique Random Data" continues by
disclosing the parameters of the problem Gray is attempting to solve, including the parameter
of "Random: The sequence appears to be "random" (pseudo-random)." (Gray, pg. 246, first
column). Further, the program relied upon by the Office, program 6, as disclosed by Gray
generates random, i.e. non-repeatable, data. "In essence, a random number generator is

constructed for elements in the desired range." (Gray, pg. 246, second column). This may be seen by two inputs to program 6 of Gray, namely, a first column containing a dense sequence then a second column containing a random sequence. (Gray, pg. 246, first column). By using random data to populate a sequence, the resulting sequence is random. (Gray, pg. 246, second column).

It was shown in the response to the Action of January 11, 2008 that Gray is directed to the generation of random numbers, with the success of the program of Gray judged on how random the sequence generated is. It was further shown that Gray is teaching away from *repeatable* synthetic data. This is clearly shown in the program relied upon by the Office in the Action of January 11, 2008. The seed value is changed to change the sequence. Thus, as shown prior, Gray not only discloses random numbers, but non-repeatable random numbers.

The Office contends that it would have been obvious to one of ordinary skill in the art to combine Duckworth with Gray. This cannot be sustained quite simply by the fact that Gray purportedly discloses the exact opposite of what Duckworth discloses, namely that one is directed to figuring out a way to generate random numbers and the other directed to generating predicted numbers. The Office erroneously asserts that one of ordinary skill in the art would combine the two as both inventions are directed to generating random data. Claim 11 does not go to the mere generation of random data, but the generation of repeatable synthetic data. The proposition cannot be supported by the law that one of ordinary skill in the art would look to a reference that discloses the opposite of the intended functionality of another reference to complete the disclosure of the other reference.

For at least these reasons, claim 11 is not obvious over Duckworth and Gray. The Applicants request reconsideration and withdrawal of the rejection to claim 11 under § 103.

Independent claim 20

For at least the reasons discussed above with respect to claim 11, claim 20 is also not obvious over Duckworth and Gray. The Applicants request reconsideration and withdrawal of the rejection to claim 20 under § 103.

Dependent claims 6, 7, 10, and 12-15

For at least the reason of their dependence upon an allowable base claim, it follows that claims 6, 7, 10, and 12-15 are also allowable. The Applicants request reconsideration and withdrawal of the rejections to claims 6, 7, 10, and 12-15 under § 103.

CONCLUSION

By the remarks and the amendments provided herein, the Applicant respectfully submits that the Office Action mailed May 19, 2009 has been traversed and that the application is in condition for allowance. If the Examiner has any concerns regarding the response provided herein, or wishes to discuss the response further, the Examiner is invited to contact the undersigned attorney.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

Date: September 8, 2009   ____/Robert A. Madayag/_____

                                               Robert A. Madayag
                                               Registration No. 57,355

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439